

# **Ann Arbor Human Rights Commission 2020 Annual Report <sup>1</sup>**

The *Duties* of the Ann Arbor Human Rights Commission (HRC) detailed in the City's Code of Ordinances, require that the Commission report to City Council annually on two of its functions: a) receiving and acting on complaints of alleged violations of Chapter 112 Non-Discrimination and b) monitoring compliance by City contractors with the provisions of that ordinance. This report fulfills the first of those requirements and, in addition, provides a broad summary of the HRC's activity overall in 2020. A separate report, written jointly with the City's Purchasing Department and focused on contractor compliance, will also be submitted to Council in the near future.

## **Commission Administration**

The role of the Ann Arbor Human Rights Commission has evolved since Council revised Chapter 112 Non-Discrimination Ordinance (NDO) in 2014. With the revised ordinance and our enhanced responsibilities for enforcement, the Commission has been spending a significant amount of time each year handling complaints from people alleging violations of the NDO. The year 2020 was unusual, however, in that few new complaints were filed (probably due to the sequestering and reduced interaction required during the COVID-19 epidemic). Next year, you will see the situation reverse. But in 2020, the HRC spent less time on complaints and more time working on internal City issues and researching and drafting new ordinances that address the human rights issues we identified in 2019. The Commission took the following steps in 2020 to manage its role in a pandemic environment most effectively:

- After concerning revelations about the Director of the City's Human Resources Department, the HRC took steps to assure ourselves that effective steps would be taken to mitigate any negative impact HR leadership and the subsequent publicity these revelations may have had on the City's HR Staff and the Department's policies and practices, and on the service the City provided its residents. John Fournier, Assistant City Administrator who took on the role of Acting HR Director, attended an HRC meeting and talked about the plans for assessment and mitigation. One of Fournier's first steps was to form a search committee to assess whether the City could identify an outside consulting plan that could be effective in supporting the HR Department's recovery from the difficult situation and form it into a more effective unit. The process the HRC participated in was useful in exploring the possibilities and eventually allowed City staff to adopt a unique plan of their own that was designed to utilize more easily available resources available to manage its unique situation.
- The negotiations around the Ann Arbor Police Officers Association (AAPOA) three-year collective bargaining agreement (CBA) became an issue when the HRC realized it was taking place without their input or the input of the Independent Community Police Oversight Commission (ICPOC). The HRC identified critical issues that had been barriers to change in police practices in the research it conducted that culminated in the formation

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<sup>1</sup> This report was formally accepted by the members of the Human Rights Commission on a unanimous vote of all present at the October 13 meeting of the HRC.

of the Independent Community Police Oversight Commission. At the request of ICPOC's chair, the HRC drafted a memo on June 15, 2020, *Collective Bargaining Agreement with Ann Arbor Police Officers' Association*. This memo enumerated the issues that the HRC believed had to be addressed concerning discipline and discharge, the grievance procedure, layoff and recall, police hours, and others and supported ICPOC in influencing changes to the CBA that would make police reform possible in Ann Arbor.

- The HRC also learned about, and helped publicize, the important work that was being done by Sharie Sell, who had been made Diversity, Equity and Inclusion Officer for the City of Ann Arbor and by Arianne Slay, who in her role of Sr. Assistant City Attorney, held the first of many very successful “Warrant Days” where people who had been served City warrants and hadn’t acted to resolve them could do so effectively, thereby efficiently meeting both the needs of the City to reduce its pool of outstanding warrants and of the people who had been issued warrants in the City and, due to their inaction, feared more serious consequences.
- The HRC also embarked on a successful project in September of 2020, when one of our Commissioners, Ayesha Ghazi-Edwin, a lecturer at UM’s School of Social Work, proposed that we supply research ideas and some guidance to her two sections of SW 560: Introduction to Community Organization, Management and Policy/Evaluation Practice. Our participation in this project was beneficial not only to the students who rated it very highly and to their instructor, who won an award for the creativity of this project. It also gave our commissioners a reason and an opportunity to think through issues we thought might come before us in the future, and encourage and mentor students to do research that we would be able to consult and build upon as needed. In the end, this project ended up producing 10 papers focused on issues in the City of Ann Arbor, the kinds of change that would make a positive impact, and some specific recommendations about how change might be made. The papers constitute a valuable resource as a whole – and some of them are excellent. This “library” will remain a resource to the HRC and can be (and have been) made available to other commissions or City staff. The titles of papers written by these social work students, include:
  - Undocumented Immigrants: What can Ann Arbor Do?
  - Further Investigation: Racial Disparities in Sentencing in Washtenaw County
  - Mental Health and Policing in Ann Arbor
  - Promoting the HRC and Other Complaint Systems
  - The Homeless and Housing Insecure in Ann Arbor
  - Health and Internet Access
  - Racist Policing in Ann Arbor
  - Amending the HRC Complaint Process
  - Formerly Incarcerated and Housing
  - Housing and Racial Equity
- One of the papers questioned the Human Rights Commission’s policy of requiring that complaints to the HRC be submitted “no later than 180-days from the date when the individual should have known of the alleged discriminatory action”, noting that although time limits of this kind are employed for complaints to agencies like the Michigan Department of Civil Rights and EEOC, there would be an important benefit to the City in dropping this limit. By not discouraging reporting of violations through the complaint process, we make sure that all issues, no matter when they occurred, can be voiced, thus

enabling the Commission to gather more complete data on the occurrence of discriminatory behavior and potentially resolve more issues -- even though late reporting can reduce the availability of some enforcement options. The argument was compelling and the HRC is taking steps to eliminate this requirement from the complaint procedure in the Non-Discrimination Ordinance.

### **Helping Ann Arbor Secure Human Rights**

The Human Rights Commission tracks human rights issues and concerns in the community and identifies ways in which it can contribute most effectively.

- In 2019, it was made aware of housing facilities that were forcing people from their homes by adopting policies that refused to continue accepting housing vouchers in payment for rent. “Source of income” had been protected under the City’s Non-Discrimination Ordinance for decades. But, as we learned, the way it was specified in the ordinance was vague enough that violations might be difficult to understand or prosecute. The HRC did the research, asked Senior Assistant City Attorney Margaret Radabaugh to expand and clarify the “source of income” definition in the ordinance, and we invited people who work with these kinds of housing issues to help further refine the definition. The City Council then approved the addition of the revised definition to the Non-Discrimination Ordinance early in 2020.
- The HRC became aware of the need for an ordinance prohibiting the practice of conversion therapy -- a treatment that seeks to change, reduce or eliminate an individual’s sexual orientation, gender identity, or gender expression -- on minors in Ann Arbor through the work of one of Mayor Taylor’s students in 2019. The treatment is widely regarded by medical and mental health professionals as scientifically unfounded and damaging and, when LGBTQ organizations around the country became aware of our interest, we had many offers of help. We worked closely with Margaret Radabaugh, Arianne Slay, and John Reiser of the City Attorney’s Office as well as approximately 20 outside readers, many of whom represented national organizations, to craft the proposed ordinance banning this dangerous practice. The new ordinance was adopted by City Council on August 16, 2021.
- In February, 2020, Aaron Sukanuma, now prisoner Reentry Coordinator for the Washtenaw County Sheriff’s Department, talked to the HRC about the barriers people with a criminal history face when they return to re-integrate with the community after incarceration and find they are often banned from seeking housing in our community by landlords who are afraid these prospective renters might be a risk to their property and/or tenants. Research does not support the perceived need for restricting housing to these individuals. In addition, it shows that the use of blanket bans by landlords has a racially discriminatory impact, makes finding adequate housing almost impossible for these prospective renters, and almost certainly contributes to a higher recidivism rate for them. The HRC looked at “fair chance housing” ordinances implemented in municipalities around the country and worked with housing and reentry specialists in our own city to help define what we thought would work best in Ann Arbor. Again, we worked closely with Sr. Assistant City Attorney Margaret Radabaugh to prepare and finalize the

ordinance we proposed and submitted it to City Council. It was adopted on March 15, 2021.

- The HRC has been concerned about the AAPD enforcement of Trespass for the last few years. Some of our concerns were addressed prior to the establishment of the Independent Community Police Oversight Commission (ICPOC) but others remained. When the ICPOC was formed, we included that group in the HRC's process, but our work was interrupted by a number of events. The joint group drafted (but has not yet sent) a memo to Police Chief Michael Cox in 2020 and we plan to meet with him later this year on this subject, hopefully to see some changes made, and then to transfer the issue afterwards, to ICPOC.

### **Facilitation of Contractor Compliance Under Chapter 112: Non-Discrimination**

A separate report, jointly prepared by the Human Rights Commission and Colin Spencer, Purchasing Manager, will be submitted to City Council for its approval in the near future (pursuant to section 9:158 of the Ann Arbor Non-Discrimination Ordinance).

### **Handling Complaints Under the Non-Discrimination Ordinance**

Under the revised Non-Discrimination Ordinance, the Commission is tasked with receiving and responding to complaints of alleged violations of the Non-Discrimination Ordinance. Community members seem to be increasingly aware of the complaint-handling services now available to them. A spreadsheet summarizing the complaints received in 2020 is attached. In addition to these complaints, the HRC receives calls and answers questions about human rights and discrimination in Ann Arbor. Simple requests for information were not tracked in 2020, although a number of requests were taken from Ann Arbor residents that required considerable attention, yet did not become formal complaints. The HRC will continue its efforts to increase awareness in the community that this complaint process is available.